IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20193 of 2004

Dated: 11-10-2007

Between:

A. Gangadhar, s/o Tippeswamy.

... Petitioner

and

1. The Assistant Divisional Engineer,
   AP: CP: D: C: L:, Operation, Kalyandurg,
   Ananthapur District and 2 others.

... Respondents

ORDER:

The petitioner approached this Court and filed the present writ petition questioning the proceedings of the first respondent – Assistant Divisional Engineer dated 26-07-2004 insofar as fixing compounding of fee at Rs.20,000/- as arbitrary and illegal and consequently direct the third respondent not to arrest the petitioner.

2. Petitioner states that he is running flourmill, with Motor bearing S.C.No.37 under category No.3 at D.No.1/277 of Bouchipalli village, Satturu Mandal, Ananthapur District. He further states that the first respondent inspected the flourmill on 17-07-2004 and without considering the past records of consumption provisionally assessed

and estimated value of the energy pilferaged is at Rs.1,25,240/- and asked him to pay an amount of Rs.62,620/- towards half of the said amount and accordingly the second respondent issued show cause vide letter No.SEA/HYD/F.NO, ATP-142/D.No.2179 dated 03-09-2004. He further states that while matter stood thus, the first respondent through the impugned proceedings informed him that the amount of compounding fee is fixed at Rs.20,000/-. He also states that he has already paid an amount of Rs.8,000/- towards the compounding fee vide cash receipt bearing Nos.006243 and 006214 in Crime No.995 of 2004 on the file of the third respondent. As fixing of compounding fee pending final assessment, through the impugned proceedings is highly excessive, he approached this Court and filed the present writ petition.

3. A detailed counter affidavit is filed wherein it is clearly stated that upto 15.1 horse power the fee is fixed at Rs.2,000/- per horse power and hence, the said compounding fee fixed at Rs.20,000/- is strictly in accordance with the B.P.Ms.

4. Heard learned counsel for the parties.

5. The petitioner is questioning only the proceedings dated 26-07-2004 whereby the compounding fee is fixed Rs.20,000/-. As the said proceedings are in consonance with the Board proceedings, it cannot be said that the same is arbitrary or illegal. If the petitioner has any grievance, he may have to question the Board Proceedings, without questioning the said Board proceedings and questioning the proceedings impugned, which is in consonance with the Board proceedings, is misconceived. Accordingly, I see no merits.

6. Learned counsel for the petitioner submitted that the petitioner has already paid an amount of Rs.8,000/- and seeks time to pay the balance amount. Accordingly, the petitioner is given time till 31-12-2007 to pay the balance amount. In the meanwhile, the respondent authorities are directed not to take any coercive steps against the petitioner.

7. With the above directions, the writ petition is disposed of. No

costs.

_____

JUSTICE GOPALAKRISHNA TAMADA

Dt.11-10-2007
GLV